709 96.

G. R. S. IX-5]

Previous references.

L. R. 82 of 90

Later references.

1895-96

~~192~~

(L R)

File o. 134 of 95

Serial Nos. 1 to 7

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 7

On ~~Part~~ B for 2nd August 1896

SUBJECT.

Appeal of Rangappa, regarding the Patel of Amrichalu, Chitaldrug Taluk.

Indexed
VMB

WD 2232—CPB—20,000—14-6-26

Rej 9/1/96 11/1

Pet. No 213

L R 134-95-1

[illegible]
p 43

15-1-96

Refer for order
15/1/96

Appeal in time -
Stamp sufficient

Put up the order of Govt
referred in the D.C's
order: AHE
17/1/96

Ne file is pursuant

Rej 24/1 Submitted for
orders AHE
27/1/96

Issued to Appellant
Copy
28/1/96

Draft order 31/1/96

1895-96. (6)

No. 2285

Name of Petitioner, Kinigatha, Coorg

Village, Patel Karibacaiya
Ammathala

Taluk, Chittaldroog

District, — Do —

Date of Arzi, 24-12-95

Date of Receipt, 7-1-96

Date of Disposal,

No. of Enclosure, 3

ABSTRACT.

Appealing against the
order of the D.C. of
Chittaldroog District,
refusing to recognise
~~declaring~~ the Petr's right
to the Patelship of the
above village in opposition
to the decision of Government
as per this office circular
dt 22/28-12-91.

The Petitioner states as follows:
The petitioner is the hereditary
heir to the Patelship of Ammathala. During the Polige Settle-
ment in 1877-78 the Settlement

Settlement officers brought this fact to the Amildar's notice.
But the Amildar without enquiring the proper Amildars appointed in 1879, one Boramaika an alien to the Patili family and in no way connected with it as he belonged to a different caste, to do the duties as Jamadar.
Soon after the Petr attained his majority, he in 1890 asserted his right to the post and filed a suit therefor. At last it was decided by Govt on the 27th Sept 1894 that petitioner was the proper Amildar and that to claim the post he should live in the village and own land there; and that the post would be given to him when it falls vacant. According to this decision Petr lives in the village and owns land there.

The above said Boramaika died on the 19th of July last. Though the petitioner applied to the Govt as per given to him Govt endorsement yet the Amildar the 2nd Opp refused to grant it to him and registered one Mallappa son of the deceased Boramaika a lad of 12, as Patel appointing one Mallesiddappa the latter's cousin resident of a neighbouring village, to act as Jamadar during his minority. A Patwaris of the village certifying that the Petr is living in the village is also enclosed.

Govt Resn $\frac{1555}{P.71-95}$ of 3rd July, alluded to by the Dy Comm^r does not apply to the Patili under dispute as the deceased Boramaika and the Petr are not proper Amildars to the Patili under dispute. The deceased Neither the deceased Boramaika, nor his father or grandfather had

had the slightest claim of any kind to the Patelki of the above village. If the Dy Commr had perused the original records regarding this case he would not have decided as above. The decision is on the presumption that he was a huckdar and maji Patel. This decision is unjust against law and justice.

Govt have decided in a certain case of Feby 1891, that if a person, newly appointed as Patel dies, his heirs cannot claim the post since he himself possesses no hereditary right to the post. Therefore the venerable Government who have

in

in many instances decided
that the proper right
should go to the true
duckdar (heir), should
~~not~~ accept this my prayer.
I pray that on these grounds
my appeal may be accepted
and an order passed restoring
to me the post of Patel.

Bilder
8/10

Pet 5 1347 Encl 20-05-32 Draft 5-2-96

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

L.R 134-95-2

OFFICIAL MEMORANDUM.

accompanying Appeal Petition

No. 2285 dated 24-12-95

received at the Dewan's Office from Rangappa son of Patel Karichasavaiya, Annehalu village, Chitaldrug Taluk appealing against the order of the Deputy Comr declining to recognise the petr's right to the Patelti of the above village

is forwarded, together with its three enclosures, to the Deputy Commissioner of the Chitaldrug District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosures should be returned.

By order

H.C.L. 31/1

for Revenue Chief Secretary.

C2 Dbl

BANGALORE,

31-1-1896

5/2

31/1/96

M.G.C.P.B.—25-4-95—1,000

Gen. Serial No. 30.]

189 6 Oct 7456 68

From The Collector Commissioner & Chief Executive Officer of Kolar

8

To

The ~~Chief~~ Secretary to the Govt: Dewan of Mysore.

Revenue & Genl: Departments.

Dated 27th } March/96
Despatched 30th }

Received

Enclosures No. 5. File of record sent separately.

General No. 778
No. 489.

In reply to

SUBJECT.

Submitting a report together with entire proceedings in re the Potéli office of Amachalu village in the Chintamani taluk.

L.R. 134-95-3

Comment Case

Rec'd with B'lore's letter No 831/539 16-4-96

With refce to the Rev. Councillor's Rep. No. 2285

24/4/96

Orders issued 24/4/96

References (to be entered only in the Dewan's Office.)

No. 775 Exam. Civil Records
459 5. Civil Pleadings.

Chitaldrug District

Deputy Commissioner's Office

Dated Camp Hathiahunnu 27th March
30th 1896.

To

The Secretary to the
Government of Mysore
Revenue and General Departments

Sir,

In reply to your office memorandum
Pet
1390 dated 31st January 1896 forwarding
Appeal Petition No 2285 of 24th December
1895 from Rangappa, son of Patel Hari
-basavia, Amachalu village, Chital
-drug Taluk, for submission of the
Entire proceedings in the case together
with a full report of the facts of the
case and on the points urged in the
Petition, I have the honor to report
as follows:—

2. On the 19th September 1890
Appellant and his younger brother
Kenchia presented a plaint to the
Deputy Commissioner praying that
in recognition of the fact that they
are the hukdars to the office the
Defendant Bora Naik who was
appointed to the office in 1879 when
they (the Plaintiffs were minors) might

be

be vested and the first Plaintiff who was of age appointed as patail, the plaint together with its enclosures was referred to the Amildar for a preliminary enquiry being held. The Amildar submitted the evidence recorded by him of the parties and of their witnesses, for the orders of the Deputy Commissioner who dismissed the suit on the ground that whatever might have been the right of plaintiffs ancestors to the Patéli lands in dispute, no member of their family had held the office or performed its duties for at least 25 years past and consequently Plaintiffs had forfeited their right to the office by lapse of time and that the defendant who had been appointed by Government as Patél in 1879 should not be disturbed from holding and enjoying the office.

3. Against this order of dismissal of the suit, the Plaintiffs preferred an appeal to Government who while holding that there was no reason

reason for cancelling the appointment of the Respondent unconditionally made by the Deputy Commissioner, directed that in consideration of the prior right of the Appellants and of the fact that the appointment was not filled up till 1879, the Appellants be registered as hereditary and their claims to hold the office be considered when a vacancy occured (Vide Decision of Govt in Revenue appeal No 30 of 1891 dated 27th November 1891).

4. On the Respondent dying on the 19th July 1895 the 1st Appellant Rangappa sought to be appointed as Patel by virtue of Government decision above quoted producing a Muchalaya signed by the inhabitants of Amelihalu village purporting that he had settled himself in their village, that he owned lands yielding to Government a revenue of Rs 19-2-a and had also a house of his own there. I declined to appoint the 1st Appellant as Patel in preference to the son of the Respondent for reasons given

given in my Order dated 16th October 1895.

5. The Appeal Petition with its enclosures are herewith returned

I have the Honor to be

Sir

Your most obedient Servant

Illegible

Ag: Deputy Commissioner.

Revenue Inspector Hampi

Revenue Inspector

2285

(6)

2285

ಸಂಖ್ಯೆ ಆಲ್ಲಿ ಪ್ರಾಣಿಗಳ ಸಂಖ್ಯೆ ಅ

ਸੰਖੇਪ ਵਿਚ ਕਹਿਣਾ ਹੋਵੇ ਤਾਂ ਇਹ ਕਹਿਣਾ ਹੋਵੇਗਾ ਕਿ ਇਹ ਸਾਰੇ ਸਬੂਤ ਇਸ ਗੱਲ ਵੱਲ ਇਸ਼ਾਰਾ ਕਰਦੇ ਹਨ

Gen. 31]

14 8

189 6

Feb 1828

From

L.R. 134-95-4 To The Dy. Commr Chitaldrug Dt.

Dated 8
Despatched 9 } April 96
Received

General No. Pet
No. 1828

Enclosure 1 v. one Kr: file.

His letter no. 778/489 dated 27th March 1896 reporting on the Petition of Rangappa of Annekalu, Chitaldrug regarding the Patelki of the said village

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In returning the records herewith the above, has the honor to state Observe that the order Dy. Commrs order dated 16th October 1895 appeal & proceedings relating thereto ~~on~~ ~~not found~~ not been sent herewith ~~complied with~~ & Dy. Regr. entire records relating to that the ~~same may be~~ the appeal may be ~~packed up and returned~~ & this office ~~be submitted~~ as

15

ak an early date.

By order

Fri 8/4

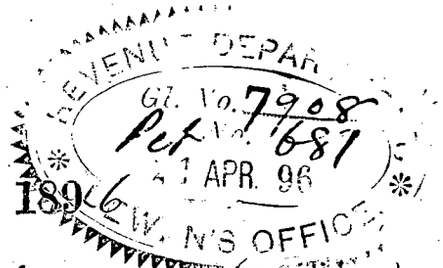
Draft

Sun.

8/4.

16 1628

Gen. Serial No. 30.]



From The Revenue Commissioner
Criminal Justice

70

L. R. 134-95-5

To

The ~~Chief~~ Secretary to the Govt.
~~Dewan~~ of Mysore.
Rev. & Genl. Department.

Dated 16th April 1896.

Despatched

Received

Enclosures No. Copies sent herewith.

General No. 831
No. 539.

In reply to

SUBJECT

Submitting the necessary
Records in connection
with the Civil Appellate
Courts.

References (to be entered only in the Dewan's Office.)

Petn. of
Rd. 20/4

Submitted
21/4

17

No. 22. Land Office file
539 Est. Registered.

Office Commissioner Lands
Brisbane 6th April 1896.

Sir,

The Acting Commissioner
Lands directs

To,

The Secretary to the
Government of Queensland
Revenue Receipt Generals Office:

Sir,

In continuation of this Office
letter No. 96-9/489. dated 2nd March
1896 and with reference to your
docket No. 96/1828. dated 2nd instant
I have the honor to forward here=
=with the Receipt which has to be
issued for the order of the 2nd October
1895 together with the Receipt thereto=
=ed for cancellation with the
Cashier Reference quoted above.

I have the honor to be
Sir,
Your Most Obedient Servant

Messengerman
Office Acting Commissioner

Proceedings of the Govt of Bo

(11)

L.R. 134-95-6

Read:—

Petition of appeal, No. 2285/94 of 1895-96, presented by Ranzappa of Hanmehalu, Chitaldrug Taluk, against the order of the Dy: Commr of Chitaldrug dated 16th October 1895, appointing Respondent Malappa as Patel of Hanmehalu

(2) Letter No. 778/489 dated 27th March 1896 from the Dy: Commr of Chitaldrug, reporting on the above petition.

(3) Records of the case received with letter No. 831/539 dated 16th April 1896 from the same Office.

II Facts of the case

Boria, father of Respondent Malappa was appointed as Patel of Hanmehalu in 1879. Petitioner Ranzappa and his brother, as heirs of former hakdars who had abandoned the Office, instituted a suit, in 1890, to recover possession of the Office from Boria. The Govt, in Proc. No. 10480/P. 43 dated 4th December 1891,

20

The view of the case taken by the Deputy Comm.r is correct. The incompetency founded upon age and referred to in Sec: XXX of the Police Rules has been construed to refer only to old age, under Rule 5 of the Land Rev.: Rules. There is no reason to interfere and this appeal is dismissed

Redraft
C 2 + 3

31-7-96
Secretary

30/7

To
The Deputy Comm.r
Chittagong
with records & copy of Petition to the Appellant

S.C.

9.1

L.R. 134-95-7